IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 14811 of 2005

Between:

Perka Shankar, s/o Perka Shivanna,
r/o Pippaladhari Village, Post Pippaldhari Mandal and District, Adilabad.

..... PETITIONER

AND

1. The Additional Agent to the Government of A.P., under A.P.S.A.L.T.R.Cum Project officer, I.T.D.A. Utnoor, Mandal Utnoor, District Adilabad.

2. The Special Deputy Collector (T.W), Adilabad, Head Quarters, Utnoor, District Adilabad.

3. The Mandal Revenue Officer, Adilabad, District Adilabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction, or issue an appropriate writ, more particularly one in the nature of writ of mandamus:- i) directing the respondent No.1 herein to dispose the appeal filed by the petitioner and his late father under A.P.S.A.L.T.Regulation Vide Appeal No.LTR APPEAL No.I.T.D.A./12/1999, as expeditiously as possible and declare the action of the respondent No.1 in not disposing the said appeal since long period and declare the action of respondent No.2 in evicting the petitioner from their agricultural land to the extent of 5 acres situated in Sy.No.12 of Pippaldhari Village, Mandal and District Adilabad though the petitioner is not committed any contravention under the said Regulation, is illegal, arbitrary, and violative of Article 14 and 21 of the Constitution of India, and against the provisions of A.P.S.A.L.T.Regulation.

Counsel for the Petitioner: MR.S.CHANDRASEKHAR
Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the first respondent in not disposing of the appeal filed by him against the order of the second respondent, dated 21.05.1997.

It is stated that the second respondent initiated proceedings suo motu on the complaint of the Mandal Revenue Officer alleging that the petitioner is in possession of land to an extent of Ac.5.00 in Survey No.12/3 of Pippaldhari village, Adilabad Mandal. After conducting necessary enquiries under A.P. Scheduled Areas Land Transfer Regulation, 1959 (for short 'the Regulations'), the second respondent passed an order of ejectment on the ground that the petitioner is in possession of the said land in contravention of the Regulations. Aggrieved by the same, the petitioner filed an appeal and the appeal is pending before the first respondent. It is stated that as early as on 15.12.2003 a notice was issued to the petitioner fixing the date of hearing. However, the matter is still pending and in the meantime, the third respondent is proposing to evict the petitioner. Therefore, the petitioner has come up with the present writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

As the appeal filed by the petitioner before the first respondent is pending adjudication, it is proper and just to protect the possession of

the petitioner pending disposal of the said appeal.

Accordingly, the first respondent is directed to dispose of the appeal filed by the petitioner, if not already disposed of, expeditiously, preferably within a period of three months from the date of receipt of a copy of this order. It is made clear that pending disposal of the appeal, the third respondent is directed not to dispossess the petitioner from the schedule land.

The writ petition is accordingly disposed of. No costs.

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11.07.2005

Note: Issue CC in two days.

(b/o)

VGB

To

1. The Additional Agent to the Government of A.P., under A.P.S.A.L.T.R.-Cum-Project officer, I.T.D.A. Utnoor, Mandal Utnoor, District Adilabad.
2. The Special Deputy Collector (T.W), Adilabad, Head Quarters, Utnoor, District Adilabad.
3. The Mandal Revenue Officer, Adilabad, District Adilabad.

4. 2CCs to the Government Pleader for Social Welfare, High Court Buildings, Hyderabad. (OUT)

5. 2CD copies.